

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Dolores Lucero v. Oak Run Elementary School District, et al.

Lucero v. Oak Run Elementary School District · No. 2:24-cv-02854-DC-SCR (PS) · Decided December 1, 2025

SUMMARY

The United States District Court for the Eastern District of California denies Plaintiff Dolores Lucero’s motions for reconsideration of the court’s September 17, 2025 order. The court construes the filings under Federal Rule of Civil Procedure 54, concludes that Plaintiff presents no valid basis for reconsideration, and refers the case back to the assigned magistrate judge for further proceedings.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dena M. Coggins
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 1, 2025
DOCKET	2:24-cv-02854-DC-SCR (PS)
DISPOSITION	denied
PROCEDURAL POSTURE	The district court construed Plaintiff's objections to its September 17, 2025 order adopting the assigned magistrate judge's findings and recommendations as motions for reconsideration under Federal Rule of Civil Procedure 54(b).
STANDARD OF REVIEW	An interlocutory order may be reconsidered under Federal Rule of Civil Procedure 54(b) when the court is presented with newly discovered evidence, committed clear error or entered a manifestly unjust decision, or faces an intervening change in controlling law. Reconsideration is not a second opportunity to reargue issues previously decided.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- motion for reconsideration
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff's objections should be construed as motions for reconsideration under Federal Rule of Civil Procedure 54(b) rather than motions under Rule 59(e).
2. Whether Plaintiff established a basis for reconsideration of the September 17, 2025 interlocutory order.
3. Whether the case should be referred back to the assigned magistrate judge for further proceedings.

HOLDINGS

1. Because the challenged order did not adjudicate all claims or end the action, Plaintiff's motions were governed by Federal Rule of Civil Procedure 54(b), not Rule 59(e), which applies after entry of judgment.
2. Reconsideration is appropriate only upon newly discovered evidence, clear error or manifest injustice, or an intervening change in controlling law; it is not available merely to provide a second opportunity to present arguments already considered.
3. Plaintiff's motions for reconsideration were properly denied because they repeated arguments previously presented and rejected and identified no valid basis for reconsideration.

KEY QUOTATIONS

“Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law.” (at 1)

“A motion for reconsideration does not, however, give the moving party a “second bite at the apple.”” (at 1)

FACTUAL BACKGROUND

Plaintiff filed motions challenging the district court's September 17, 2025 order adopting the assigned magistrate judge's findings and recommendations. The motions raised the same arguments Plaintiff had previously presented in objections to those findings and recommendations. The court had already considered and rejected those arguments.

PROCEDURAL HISTORY

Plaintiff filed objections to the court's September 17, 2025 order adopting the magistrate judge's findings and recommendations. The district court construed the objections as motions for reconsideration, denied both motions because Plaintiff repeated arguments previously presented and identified no recognized basis for reconsideration, and referred the case back to the assigned magistrate judge for further proceedings.

DISPOSITION

denied

REMAND INSTRUCTIONS

The case was referred back to the assigned magistrate judge for further proceedings.

CASES CITED

- Credit Suisse First Bos. Corp. v. Grunwald, 400 F.3d 1119, 1124 (9th Cir. 2005)
- Tanner Motor Livery, Ltd. v. Avis, Inc., 316 F.2d 804, 809 (9th Cir. 1963)
- City of Los Angeles, Harbor Div. v. Santa Monica Baykeeper, 254 F.3d 882, 885 (9th Cir. 2001)
- Sch. Dist. No. 1J, Multnomah Cnty., Or. v. [name illegible in source], 5 F.3d 1255, 1263 (9th Cir. 1993)
- Weeks v. Bayer, 246 F.3d 1231, 1236 (9th Cir. 2001)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 DOLORES LUCERO, No. 2:24-cv-02854-DC-SCR (PS) 12 Plaintiff, 13 v.
ORDER DENYING PLAINTIFF’S MOTIONS FOR RECONSIDERATION 14 OAK RUN
ELEMENTARY SCHOOL DISTRICT, et al., (Doc. No. 91, 93) 15 Defendants. 16 17 This matter
is before the court on Plaintiff’s “objections” to the court’s September 17, 18 2025 order adopting
the assigned magistrate judge’s findings and recommendations.

(Doc. Nos. 19 91, 93.) The court will construe Plaintiff’s “objections” as motions for
reconsideration of the 20 court’s September 17, 2025 order. 21 Although in her motions Plaintiff
purports to invoke Rules 59(e) of the Federal Rules of 22 Civil Procedure, which applies after
judgment has been entered, the applicable rule governing 23 Plaintiff’s motions is actually Rule
54, which provides that “any order or other decision, however 24 designated, that adjudicates
fewer than all the claims... does not end the action as to any of the 25 claims... and may be revised
at any time before the entry of a judgment adjudicating all the 26 claims....” Fed.

R. Civ. P. 54(b). The Ninth Circuit has “long recognized ‘the well-established 27 rule that a district
judge always has power to modify or to overturn an interlocutory order or 28 decision while it
remains interlocutory.’” Credit Suisse First Bos. Corp. v. Grunwald, 400 F.3d 1 } 1119, 1124 (9th
Cir. 2005) (quoting Tanner Motor Livery, Ltd. v. Avis, Inc., 316 F.2d 804, 809 2 | (9th Cir.

1963)); see also City of Los Angeles, Harbor Div. v. Santa Monica Baykeeper, 254 F.3d 3 | 882,
885 (9th Cir. 2001) (“As long as a district court has jurisdiction over the case, then it 4 | possesses
the inherent procedural power to reconsider, rescind, or modify an interlocutory order 5 || for cause
seen by it to be sufficient.) (citation omitted). 6 “Reconsideration is appropriate if the district court
(1) is presented with newly discovered 7 | evidence, (2) committed clear error or the initial
decision was manifestly unjust, or (3) if there is 8 || an intervening change in controlling law.” Sch.

Dist. No. 1J, Multnomah Cnty., Or. v. □□□□□□□□ 9 | Inc., 5 F.3d 1255, 1263 (9th Cir. 1993). A
motion for reconsideration does not, however, give the 10 | moving party a “second bite at the

apple.” Weeks v. Bayer, 246 F.3d 1231, 1236 (9th Cir. 2001) 11 | (citation omitted). 12 In addition, Local Rule 230Q) requires, in relevant part, that in moving for reconsideration 13 | of an order denying or granting a prior motion, a party must show “what new or different facts or 14 || circumstances are claimed to exist which did not exist or were not shown” previously, “what 15 | other grounds exist for the motion,” and “why the facts or circumstances were not shown” at the 16 | time the substance of the order which is objected to was considered.

L.R. 230(j). 17 Here, Plaintiff raises the same arguments in her motions for reconsideration that were 18 || presented in her objections to those findings and recommendations (see Doc. Nos. 72, 79), and 19 | the court already considered and rejected those arguments. (Doc. No. 89). Plaintiff has not 20 | identified any basis under which this court should reconsider its order.

21 Accordingly, 22 1. Plaintiff's motions for reconsideration (Doc. Nos. 91, 93) are DENIED; and 23 2. This case is referred back to the assigned magistrate judge for further proceedings. 24 95 IT IS SO ORDERED. □ | Dated: _ November 26, 2025 RY Os Dena Coggins 27 United States District Judge 28